

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

<b>DAVID ALLEN KNIGHT,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-19-694-G</b>
	)	
<b>SCOTT CROW, Director,</b>	)	
	)	
<b>Respondent.<sup>1</sup></b>	)	

**ORDER**

Petitioner David Allen Knight, a state prisoner appearing pro se, filed this action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In accordance with 28 U.S.C. § 636(b)(1), the matter was referred to Magistrate Judge Gary M. Purcell for preliminary review.

On March 27, 2020, Judge Purcell issued a Supplemental Report and Recommendation (Doc. No. 25), in which he recommended the habeas petition be denied. In the Supplemental Report and Recommendation, Judge Purcell advised the parties of their right to object to the Supplemental Report and Recommendation by April 16, 2020. Judge Purcell also advised the parties that a failure to timely object would constitute a waiver of the right to appellate review of the factual findings and legal conclusions contained in the Supplemental Report and Recommendation.

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<sup>1</sup> Because Petitioner is currently housed in a privately operated facility, Oklahoma Department of Corrections Director Scott Crow is hereby substituted as the proper Respondent in this matter. *See* R. 1(a)(1), 2(a), R. Governing § 2254 Cases in U.S. Dist. Cts.

To date, no party has filed an objection to the Supplemental Report and Recommendation. Accordingly, the Supplemental Report and Recommendation (Doc. No. 25) is ADOPTED in its entirety. Petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. No. 1) is DENIED. A separate judgment shall be entered.

Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts requires the Court to issue or deny a certificate of appealability when it enters a final order adverse to a petitioner. Section 2253 of Title 28 of the United States Code instructs that a certificate of appealability may issue only if Petitioner "has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). "A petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)). Upon review, the Court concludes that the requisite standard is not met in this case. Thus, a certificate of appealability is DENIED.

IT IS SO ORDERED this 30th day of April, 2020.

  
CHARLES B. GOODWIN  
United States District Judge